

ORIGINAL<sup>1</sup>

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Shawn C. Northrup, : NO. 3:12 CV 01544  
Plaintiff, : JUDGE  
vs. :  
City of Toledo, et al, :  
Defendants. :

\* \* \* \* \*

DEPOSITION of DONALD T. COMES

DATE OF DEPOSITION: Wednesday, August 21, 2013

TIME: 1:30 p.m.

PLACE OF DEPOSITION:  
City of Toledo Law Department  
One Government Center - Suite 2250  
Toledo, Ohio 43604

REPORTER: ELLEN L. LANGEL DIRECT DIAL: 419.297.8082

\* \* \* \* \*

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I-N-D-E-X

EXAMINATION:

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OBJECTIONS:

EXHIBITS:

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1 APPEARANCES:

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16 ALSO PRESENT: Shawn Northrup

17 \* \* \* \* \*

18 S-T-I-P-U-L-A-T-I-O-N-S

19 It is stipulated by and between counsel  
20 for the respective parties that the deposition of  
21 DONALD T. COMES, a witness herein, called by the  
22 plaintiff as upon cross-examination, under the Ohio  
23 Rules of Civil Procedure, may be taken at this time  
24 and reduced to writing in stenotype by the Notary,  
25 whose notes may be thereafter transcribed out of the  
presence of the witness; and that proof of the  
official character and qualification of the Notary  
is waived; that the examination, reading and  
signature of the said DONALD T. COMES to the  
transcript of his deposition are expressly waived by

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1 counsel and the witness; said deposition to have the  
2 same force and effect as though signed by the said  
3 DONALD T. COMES.

4 \* \* \* \* \*

5 DONALD T. COMES

6 being of lawful age, was by me first duly  
7 sworn or affirmed to tell the truth, the  
8 whole truth, and nothing but the truth, as  
9 hereinafter certified, was examined and  
10 said as follows:

11 Wednesday Afternoon Session

12 August 21, 2013

13 1:30 p.m.

14 CROSS-EXAMINATION

15 BY MR. ELLIS:

16 Q Mr. Comes, I'm Dan Ellis. I don't know if  
17 we've met before.

18 A Hi.

19 Q This is Shawn Northrup, I don't know if you  
20 remember him. You may or may not. Have you ever had  
21 your deposition taken before?

22 A I have not.

23 Q I assume you've testified a number of times  
24 in court?

25 A I have.

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1 Q Do you understand everything you say is  
2 going to be recorded by her?

3 A I do.

4 Q And if you don't understand a question,  
5 will you let me know so I can we repeat it?

6 A Certainly.

7 Q If you don't hear questions, let me know  
8 and I'll repeat it as well.

9 A Okay.

10 Q If you don't understand a question, let me  
11 know and I will rephrase it.

12 A Okay.

13 Q You understand you've given an oath to tell  
14 the truth and you should answer your questions fully,  
15 accurately and as completely as you can?

16 A Yes.

17 Q If you realize at any point during the time  
18 we're talking that an earlier answer is incorrect,  
19 will you let me know so we can go back and go over it  
20 and fix it?

21 A I will.

22 Q If you don't know or remember information  
23 necessary to answer it, just say so.

24 A Okay.

25 Q And if you answer a question I'm going to

1 assume that you heard it, understood it, and gave me  
2 your best recollection.

3 A Okay.

4 Q Do you understand these instructions?

5 A I do.

6 Q Are you on any mood altering drugs or  
7 medications that would prevent you from testifying  
8 truthfully and accurately today?

9 A I am not.

10 Q Do you have any illness that would prevent  
11 you from testifying fully, accurately and truthfully  
12 today?

13 A I do not.

14 Q After we finish the deposition your  
15 attorney will have an opportunity to look at it after  
16 she transcribes it.

17 A Um-hum.

18 Q You will either sign it or you can waive  
19 your signature and you and your lawyer can talk about  
20 that at the end of the deposition, okay?

21 A Okay.

22 Q Can you tell me what you did to prepare for  
23 the deposition today?

24 A Nothing.

25 Q Nothing, okay. Did you review any

1 documents prior to today?

2 A Prior to today when I was originally served  
3 I think with the lawsuit I looked through that  
4 lawsuit itself.

5 Q Okay. You've not looked at any of the  
6 police records or anything?

7 A I have not. I tried to obtain some in-car  
8 video I think at Mr. Madigan's request and was  
9 unsuccessful in doing so.

10 Q Do you know why?

11 A To the best -- well, the only thing I can  
12 tell you is that the vehicle I was in that day, which  
13 was 275, there's a way we can search for video for  
14 our cars and in 275 nothing pops up. Now the issue  
15 there is I don't know if 275 had a video system in it  
16 on the day in question. Nowadays most cars that we  
17 have, patrol cars have those video systems. At the  
18 time it was kind of a haphazard.

19 Q Transition?

20 A Some cars did, some cars did not, some cars  
21 had working systems, some cars did not.

22 Q And your full name is Donald T. Comes?

23 A Yes, sir.

24 Q And can you give me your date of birth?

25 A May 9th, 1969.

1 Q And where's your place of birth?

2 A Toledo.

3 Q And are you registered to vote in Toledo?

4 A I actually, I live in Walbridge now.

5 Q And can you tell me what your educational  
6 background is?

7 A I received my bachelor's from the  
8 University of Toledo, an associate's degree from  
9 Owens Community College, and I graduated from Toledo  
10 Central Catholic.

11 Q And that's high school, when did you  
12 graduate from high school?

13 A 1987.

14 Q And when did you get your associate's  
15 degree?

16 A I think I got my associate's degree in  
17 1997.

18 Q Okay. And when did you get your  
19 bachelor's?

20 A Around 2002, I believe.

21 Q And can you tell me what you got your  
22 bachelor's in?

23 A Criminal justice.

24 Q And what did you get your associate's in?

25 A Criminal justice as well.

1           Q     Have you ever been convicted of a felony or  
2     misdemeanor?

3           A     I have not.

4           Q     Have you ever pled guilty of a charge?

5           A     I have not.

6           Q     Can you give me your employment history?

7           A     I worked for Church's Supermarkets from  
8     1987 until, I believe, 1990. And then from 1990 to  
9     1996 or '07 I worked at United Parcel Service. From  
10    '97 until 2000 I worked for Ham & Knoll Cartozian  
11    which is a carpet company in Tacoma, Washington, and  
12    from 2000 to 2002 I worked for Dupont, and then I  
13    believe the end of 2002 I started -- I'm sorry. The  
14    end of 2003 -- I'm sorry, so Dupont should be until  
15    2003. 2003 I started my employment with the City of  
16    Toledo.

17          Q     And you've continued till today?

18          A     Yes.

19          Q     And what did you start doing for the City  
20    of Toledo?

21          A     Police officer.

22          Q     Did you ever go to a police academy?

23          A     Yes.

24          Q     When did you go to the police academy?

25          A     Well, it's Toledo, City of Toledo's Police



1 Academy.

2 Q When did you do that?

3 A That was December of 201,3 I believe, until  
4 about May of -- I'm sorry, not 2013. 2003, December  
5 of 2003 until May of 2004, I believe.

6 Q And where did you do that?

7 A Their academy is out at Owens now and at  
8 the time was at Owens Community College.

9 Q And can you tell me your course of study  
10 when you took that?

11 A I believe it's, I guess the generic term is  
12 OPOTA, Ohio Peace Officer Training Academy  
13 certification and then Toledo throws on some courses  
14 that are more germane to their jurisdiction and  
15 location.

16 Q And after completing that you joined the  
17 police force?

18 A Yes.

19 Q And since joining the police force, have  
20 you done continuing education?

21 A Yes.

22 Q Can you tell me what you did in continuing  
23 education?

24 A Well, I guess in addition to in-service  
25 trainings throughout the year, we have various



1 opportunities to pick up stuff, whether specialized  
2 in nature, I guess I was assigned vice narcotics for  
3 a while, I took quite a few drug courses. I moved to  
4 crimes against persons and took some courses related  
5 to crimes against persons, and now I'm assigned to  
6 our special victims unit, I've taken some classes  
7 that pertain to in particular child and child sex  
8 crimes.

9 Q When you originally started as a police  
10 officer were you a patrolman?

11 A Yes.

12 Q Are you still a patrolman?

13 A Technically. I guess it depends on who you  
14 ask, but my title is Detective but it's -- you're a  
15 detective but you're essentially on the same playing  
16 field as a patrolman.

17 Q Okay. Is it like a pay grade change?

18 A It is not, nope.

19 Q Have you ever been in the military?

20 A No.

21 Q Do you recall the cruiser number of the  
22 automobile you were driving that day, June 16th?

23 A 275.

24 Q When you are assigned a cruiser, do you use  
25 the same one over and over again or do you change

1 every day?

2 A In theory you're -- no, you don't use the  
3 same one every day. You might have long stretches  
4 where you use the same car every single day, but I  
5 guess, and again the time period that we're going to  
6 refer to eventually, my car would change from day to  
7 day because my crew, my assignment, I normally worked  
8 with a partner. When I work with a partner we're in  
9 for the most part a car that I was assigned to every  
10 day, but at that point I was in what commonly was  
11 referred to as spare parts so they jamb you in  
12 whatever car's available.

13 Q So spare parts is whatever car's available?

14 A Pretty much, or maybe even more it's  
15 whatever district they need you in.

16 Q When you get in a cruiser, what equipment  
17 is in the cruiser?

18 A Mostly your trunk box which consists of  
19 some cones, some flares, some blankets, a pry bar, a  
20 broom. It's been a while since I've been in a car.  
21 And then to the car you generally take a digital  
22 camera if one's available, a shotgun and if you're  
23 trained you can take a rifle as well but so that's  
24 what maybe is in the car or you take to the car.

25 Some cars have videos systems, some cars do

1 not. Every car -- I shouldn't say every car. Almost  
2 every car has a mobile radio in it as well. The cars  
3 that I worked in at the time had light bars and  
4 sirens, markings on the sides.

5 Q What computer connection's in the car?

6 A It's commonly referred to as an M.D.T.  
7 which is a Mobile Data Terminal. For my usage it's  
8 essentially a screen with a power button on it, a  
9 keyboard.

10 Q What shows up on that?

11 A It depends on what screen you're in but  
12 for, I guess for this conversation it shows -- before  
13 you get a call it will show what every car is doing,  
14 depending on what you enter into the system it will  
15 show the cars in your area and what they're doing,  
16 and then once you receive a call from dispatch your  
17 call itself will pop up so you get a new screen and  
18 it shows you where you're going, basic synopsis of  
19 the incident.

20 Q Would that be like the incident report, is  
21 that what it would show like? Like the call came in  
22 and where you're supposed to go?

23 A Yes, yeah. So like if there was a fight  
24 here at the government center it would show  
25 everybody's in service or doing whatever they're

1 doing and then I get a call --

2 Q Who's responding?

3 A Right. I get a call to the Government  
4 Center, and it will pop up saying One Government  
5 Center, an attorney and his client are fighting on  
6 the 22nd floor.

7 (WHEREUPON Plaintiff's Deposition  
8 Exhibit One-Comes marked for  
9 identification.)

10 BY MR. ELLIS:

11 Q I'm going to show you what I've just marked  
12 as Plaintiff's Exhibit One and ask you if that's kind  
13 of what you would see on that screen?

14 A No.

15 Q No?

16 A No, it's nothing like what we would see. I  
17 mean there's certain things on here. There's unit  
18 numbers, so like Dave Bright was 821 C. stands for  
19 Charles, he was 821 Charles, I was 823 Charles, 806  
20 generally unit numbers with a zero in them, so I'm  
21 right about in the upper middle of the page about a  
22 third of way down is 806 Q. 1814 Ray Daniel, I don't  
23 know if you guys are familiar with where I'm at.

24 MR. MADIGAN: Um-hum.

25 OFFICER COMES: Okay. 806 is



1 a sergeant designator. Q. 1814 is his  
2 I.D. number and obviously that's Danny  
3 Ray.

4 BY MR. ELLIS:

5 Q Are those like your badge numbers or just  
6 I.D. numbers?

7 A I.D. numbers. Badge numbers and I.D.s are  
8 different. I.D. numbers are essentially I think a  
9 city function and badge numbers are a police  
10 function, but for simplicity we always go by our I.D.  
11 number.

12 Q And you're employed by the City of Toledo?

13 A Yes, sir.

14 Q And they pay you?

15 A Yes, sir.

16 Q Okay. Now when you run somebody's license  
17 let's say --

18 A Um-hum.

19 Q -- does that appear on your screen, the  
20 results?

21 A The results appear on the screen, yes.

22 Q All right. Now what would you normally see  
23 on the screen when the you put somebody's license  
24 number?

25 A If I put in a license number, I think

1 you're going to get back a couple of different pages  
2 that you can scroll through. You're going to get  
3 back the persons that the car is registered to.

4 Q Now you're talking, when you say license  
5 number, you're talking about the plate number, tag  
6 number?

7 A Yes. So if I put in like my tag number,  
8 the first thing that's going for pop up generally is  
9 my information, my date of birth, my sosh, my license  
10 information, my license number issue expiration, all  
11 that stuff, status which is what we -- especially in  
12 a marked car you're going use frequently and then  
13 below that you'll get a listing and that listing is  
14 kind of a hodgepodge of your, a rough, I guess,  
15 traffic history for you.

16 Below that on another page you'll get  
17 information that pertains specifically to the car,  
18 what kind of car it is, the make, the color, if  
19 there's a co-owner.

20 Q Make sure the plates aren't stolen?

21 A That the plates come back to that vehicle,  
22 that type of stuff.

23 Q And if I'm a concealed carrier, where does  
24 that show?

25 A That will show up on its own page as well.



1 And right about -- at the time I don't know if the  
2 concealed carry information popped up, but I think it  
3 was a -- it might have been but --

4 Q But if you run a tag it will show up if the  
5 guy has a concealed carry permit, right?

6 A If you run it now, yes. At the time that  
7 Dave had this issue, I don't think he did because the  
8 first -- I can remember the first time we saw it I  
9 was working with another officer named John Winger  
10 which would have been the following year, actually it  
11 would have been that year, so I don't think it -- I  
12 was surprised that it popped up. I said, "Oh, this  
13 guy's got a C.C.W. in front of us. "

14 Q Right.

15 A So it does pop up and actually the screen  
16 itself I think illuminates, it will change color.

17 Q And that's today or sometime after 2010?

18 A Yes.

19 Q That was back in --

20 A It wasn't before 2010. I mean I remember  
21 the first time it happened so I know I guess the guy  
22 that I was working with and that was in 2010.

23 Q Yeah. Do you know when they enacted the  
24 conceal carry law?

25 A Offhand I do not know the specific date,

1 but I want to say 2009, but I'm spit balling. I  
2 remember there was some issues --

3 Q It was 2004, I think.

4 A Okay. There was an issue with --

5 Q I'm trying to figure out how often I had to  
6 renew mine. I've already renewed it three times.

7 A There's some issues, I guess, pertaining to  
8 us with some guys trying to assert their rights at  
9 parks and things like that and there was quite a  
10 media furor over that so whenever that was.

11 Q I remember that guy.

12 A Okay.

13 Q I can't remember his name either but he had  
14 a birthday party.

15 MR. MADIGAN: That was my  
16 case.

17 MR. ELLIS: What was the  
18 guy's name?

19 MR. MADIGAN: I knew you  
20 were going to ask that.

21 MR. ELLIS: He moved to  
22 Texas eventually.

23 OFFICER COMES: Okay.

24 (WHEREUPON a discussion was had  
25 off the record.)

1 BY MR. ELLIS:

2 Q So you would get the guy's like driving  
3 record, his --

4 A Um-hum.

5 Q Now if you just ran his license and you  
6 didn't have a tag, what would you get?

7 A Just ran his license I don't think you'd  
8 get his driving status. I think you'd get -- you get  
9 wants and warrants when you run his driver's tag,  
10 when you run the license plate as well you'll get  
11 warrant information as well, if they have an active  
12 warrant you'll get a screen that pops up as well that  
13 lists his warrants. When you run them just by sosh,  
14 which is generally how -- I guess it's the easiest  
15 and most convenient way for us to get a complete  
16 record.

17 Q Picture of somebody?

18 A Yes. So when we run somebody by sosh I  
19 don't think you get driving status but you do get  
20 descriptors, it's been so long since I looked at the  
21 screen, you get descriptors and warrant information I  
22 think would be the two basic things. I don't think  
23 you get car, I don't think you get vehicle  
24 information unless you specifically query for that.

25 Q Right. Now when you're out on patrol, how

1 do you get dispatched to places?

2 A In theory you work, you work a specific  
3 beat and a specific sector. When a call comes in  
4 your beat or sector they, and if you're available  
5 meaning not out on a call, if you're available  
6 dispatch will see that you're available, they say  
7 that's his beat, his sector and call up.

8 And like on this day I was 823, they'll say  
9 823 Charles, take a burglary in progress 2634  
10 Brookford, neighbor states that a man broke in the  
11 back window, doesn't think the homeowners are home,  
12 there's somebody in the backyard as a lookout.

13 Q Then you respond?

14 A Then I would say 823 okay from whatever  
15 location I happened to be at.

16 Q Okay. So dispatch calls, you say okay,  
17 you've got this issue --

18 A Um-hum.

19 Q -- and then you would respond okay, I'll  
20 respond --

21 A Yep.

22 Q -- if you're available?

23 A Yes.

24 Q If you're not you would say I'm not  
25 available or --

1           A     Generally they're not even going to try  
2     because you'll be showing up on their screen as being  
3     out of service so if you're out of service they  
4     won't.

5           Q     So when you're at a stop you do something  
6     so they know you're out of service?

7           A     Yes.

8           Q     What do you do?

9           A     You put yourself out. So if I stop  
10    somebody, I say 823, I'm going to stop and talk to  
11    one here, 823 I have traffic, which means you have a  
12    traffic stop.

13          Q     Or if you say I'm on the scene of where  
14    they sent you --

15          A     Yes.

16          Q     -- they would put you out?

17          A     Yes.

18          Q     Put you out means you're just not available  
19    for other calls?

20          A     Yeah. It means you're aware they have you  
21    and then consequently you're not available for other  
22    calls.

23          Q     And so if you were just checking somebody's  
24    license what would you do?

25          A     License plate or driver's license?



1 Q Driver's license.

2 A Meaning I had stopped you to talk to you?

3 Q I'm walking down the street, you say let me  
4 see your I.D., and I give you my driver's license.

5 A What you're supposed to do is I'm supposed  
6 to advise dispatch before I stop and talk to you.

7 Q Right.

8 A So if I see you walking down the street and  
9 for some reason I feel that there's a need to talk to  
10 you I'm going to say I'm going to talk to one on  
11 Jackson and Erie.

12 Q Okay. And then what do you do when the guy  
13 gives you his license?

14 A Depending on the circumstances most  
15 likely -- I guess with just that example I'll try to  
16 make sure that I'm a safe distance from you. If I'm  
17 by myself I'll let dispatch know that I'm going to go  
18 to another channel, go to that records channel and  
19 I'll run your information over to records.

20 Q And what's that mean when you say you're  
21 running it over to records?

22 A I provide them with your personal  
23 identifiers, your name, your date of birth, your sosh  
24 or your license number if I have your driver's  
25 license.



1 Q Right.

2 A They run you through Norris and LEADS and  
3 then find out if you have wants, if you have  
4 warrants, your descriptors, you know, that kind of  
5 stuff.

6 Q Would it tell me -- at that point would you  
7 know I'm a concealed carry holder?

8 A I don't know if I would. I don't know if  
9 they would tell me that.

10 Q Okay. Does that appear on your computer  
11 screen?

12 A When I run you? Yes. The disconnect with  
13 our records department is some people tell you that  
14 information, some people don't. I think at the time  
15 I don't think they would have provided me with that  
16 information.

17 Q But you could have asked?

18 A I could have asked and just like with the  
19 vehicles where at one point it wasn't available, I  
20 don't know if they would have --

21 Q You could have asked?

22 A I could have asked. I don't know if they  
23 would have had access to it.

24 Q Yeah. But if you were sent out on a call  
25 where the guy with a firearm would you ask?

1 A Would I ask?

2 Q You see a guy walking with a firearm --

3 A Um-hum.

4 Q -- would you ask does he have a conceal  
5 carry permit if he gave you his driver's license?

6 A You'd have to do a better job of, I guess,  
7 breaking it --

8 Q You stop the person who has a firearm on  
9 his hip openly carrying it.

10 A Right.

11 Q Okay. You were directed by dispatch to go  
12 talk to him, okay?

13 A Right.

14 Q And the descriptive was man walking down  
15 the street with a firearm on his hip.

16 A Right.

17 Q And you ask for his driver's license and he  
18 give it to you.

19 A . Um-hum.

20 Q When you go back and run him would you ask  
21 if he has a conceal carry permit?

22 A Would I ask -- what's the manner of carry?  
23 It's concealed or it's --

24 Q Not concealed.

25 A If it's not concealed I don't think, I

1 don't think I would ask.

2 Q Is that true today as it was true in 2010?

3 A There was a -- I don't know if it was  
4 formalized training or if somebody left a memo, I  
5 think it was what we called an N.A.B., a notice and  
6 bulletin, some people were attempting to, just like  
7 the park issue, that concealed carry or that open  
8 carry was going to start to become more prevalent and  
9 we should be on guard, I guess for lack of a better  
10 term, that somebody might try to put themselves into  
11 a situation where they would, I don't know if trick  
12 is the right word, but create an issue with an open  
13 carry situation so they said -- I think it was more  
14 of a reminder, just a reminder open carry is allowed  
15 in the State of Ohio.

16 Q When did you become aware that open carry  
17 was allowed in the State of Ohio?

18 A I think I understood at least from a  
19 practical perspective my first year on the department  
20 we went by a bar called H. Town Bar and there was --

21 Q Is that 2003?

22 A I think it was '03, right. I was in  
23 training, still in field training, we went past the  
24 bar and there was a guy working security at the bar  
25 with a pistol, a six shooter in a leather holster on

1 his hip and I said, "Are you allowed to do that?"

2 The guy said, "Yeah, it's open carry." If it was  
3 tucked in his pants it would be a different story.

4 Q So going back to 2003 you understood open  
5 carry was in Ohio?

6 From 2003 until today, did you have any  
7 incidents where you had to stop somebody that was open  
8 carrying and talk to them?

9 A Never.

10 Q Okay. Now --

11 A I qualify that to say that somebody that I  
12 not -- I'm trying to think of a good way to say it.  
13 Somebody that's running from me with a pistol in  
14 their hand, is that open carry? No.

15 Q That would be a little bit different.

16 A I mean there were times where people had a  
17 pistol out in front of me, I guess in terms of these  
18 circumstances --

19 Q I'm talking about with it holstered or just  
20 walking around with it, not --

21 A No. I mean other than police officers, the  
22 only open carry I ever saw would be private security,  
23 that type of stuff, guys in armored --

24 Q Is that true today, too?

25 A For the most part. I mean you really have



1 to, you've really got to look for somebody that  
2 carries openly. And for what it's worth, this is  
3 kind of germane to this whole thing, open carry I  
4 think spooks some people so people see somebody  
5 walking down the street with a gun, I dropped my  
6 stepson off at school today wearing just what I'm  
7 wearing and it makes people nervous.

8 Q But they could see your badge?

9 A My badge is on my belt --

10 Q Yeah, I see that.

11 A -- there's some debate as the best place to  
12 have it and a lot of guys say it's up here because  
13 it's visible.

14 Q Now so dispatch sends you to the place, you  
15 get there put out, tell them I'm there --

16 A Um-hum.

17 Q -- and then you go do whatever you do?

18 A Right.

19 Q And then do you use your personal phone  
20 when you're at the place?

21 A I do use my personal phone, yeah.

22 Q Now --

23 A I try to avoid it for a whole bunch of  
24 reasons but, you know, sometimes conveniences.

25 Q So you carry a personal phone?

1           A     For the most -- I either carry it or it's  
2     in the vehicle with me. I don't actually usually  
3     carry it. I usually keep it up on the visor because  
4     I don't want to break it.

5           Q     And you wouldn't want to break it at an  
6     inopportune time?

7           A     Yes.

8           Q     So you basically have your personal phone,  
9     you use it, sometimes you don't?

10          A     Right.

11          Q     Do you know whether you used it on this  
12     day?

13          A     I did use it on this day.

14          Q     And what did you use it for?

15          A     I used it to call the original caller, the  
16     person who placed the call.

17          Q     All right. And how did you get his number?

18          A     On the -- when the call pops up on our  
19     screen, depending on the source of the call,  
20     sometimes the phone number of the original caller  
21     will pop up as well.

22          Q     So you talked to the guy, Allen?

23          A     I called the number that was provided and  
24     said, "Hey, did you call 911?"

25          Q     And what did he say?



1 A He said, "Yes, I did."

2 Q And what did he say after that?

3 A I said, "What happened? What's going on?  
4 What happened?" And he said, "A guy's walking down  
5 the street with a gun. I told him he's not allowed  
6 to do that. He and I started to argue and he, ' and  
7 I'm going to paraphrase, he said, "we started  
8 motherfucking each other and I came in and called the  
9 police."

10 Q Anything else?

11 A I told him that, I said, "Can you explain,  
12 you know, how it all started?" And he said, "He was  
13 walking down the street with a gun on his hip." I  
14 said, "You realize" -- I said, "How was the gun  
15 carried? He said, "It was carried in a holster."  
16 And I said, "Where was it? Was it tucked in his  
17 pants?" And he said, "No, I could see the gun and  
18 that's what made me worried." And I said, "You  
19 realize he's allowed to do that."

20 Q What did he say?

21 A He said, "No, he's not." And I said, "Yes,  
22 he is."

23 Q And did he tell you where he was when he  
24 first saw -- I assume you're talking about Shawn?

25 A I assume so, too. My understanding was --

1 I can't really give you definite answer. I think he  
2 was in his front yard and maybe Mr. Northrup was in  
3 the street.

4 Q He did till he was riding his motorcycle?

5 A He did not.

6 Q Did he tell you he circled back?

7 A He did not.

8 Q Okay. Did he tell you that he --

9 A I don't recall if he said either of those.

10 Q Okay. So do you know whether he's riding  
11 his motorcycle?

12 A I do not.

13 Q You don't know whether he turned in the  
14 store at the end of the street?

15 A I don't.

16 Q And he basically said Shawn was walking  
17 down the street with his firearm?

18 A Yes.

19 Q And he engaged him?

20 A Yes. He said to him, "You can't do that."

21 Q And I think you said, and if I didn't just  
22 correct me, that he was informed either by Shawn or  
23 his wife he could do that?

24 A Yes. That was my understanding.

25 Q Do you know whether his wife talked to the



1       guy?

2           A       I do not know that.

3           Q       Do you know whether it was really his wife  
4       and him doing the mother effing?

5           A       No. My understanding from the caller was  
6       that it was Mr. Northrup and he that were engaged in  
7       the --

8           Q       Did he also tell you that Mr. Northrup just  
9       walked away?

10          A       He did not tell me that.

11          Q       And did he tell you at any time Mr.  
12       Northrup threatened him?

13          A       He did not.

14          Q       And did he say at any time he touched his  
15       firearm or handled it in any manner?

16          A       He did not.

17          Q       And did he say at any time Mr. Northrup or  
18       Mrs. Northrup threatened him?

19          A       He did not.

20          Q       Now did he say anything else to you?

21          A       Not to my recollection.

22          Q       And besides telling you he can't do it, and  
23       you told him he could, right?

24          A       Right. I think there was maybe some  
25       disbelief on his part that he couldn't do it but --

1 Q Do you know whether dispatch already told  
2 him that?

3 A Not my knowledge.

4 Q Okay. Do you know that he told dispatch if  
5 the guy can do it he's not sending the crew out?

6 A Not to my knowledge.

7 Q So he didn't -- dispatch didn't explain to  
8 you what they were told?

9 A No.

10 Q And he didn't tell you what he told  
11 dispatch?

12 A No.

13 Q And you have never listened to the 911  
14 call?

15 A No.

16 Q Okay. When you go to an incident such as  
17 this, how do you document the incident?

18 A Like how did I document it that day?

19 Q Yeah.

20 A I don't essentially do anything. I guess  
21 the document for me exists and the dispatch shows me.

22 Q Being there?

23 A I say hey, I'm on scene, they show me being  
24 on scene. If I'm Officer Bright, my documentation  
25 involves, you know, a crime report, affidavit, that



1 kind of stuff.

2 Q That's what I'm trying to figure out. So  
3 would you say Officer Bright was like the primary  
4 officer responding?

5 A Yes, yes.

6 Q And then you're there for backup?

7 A Yes.

8 Q And you predominantly are in the background  
9 to watch things, make sure and you let him do his  
10 job?

11 A Yes.

12 Q And to make sure he stays safe?

13 A Yes.

14 Q That's your job?

15 A Right.

16 Q Did you get out of your car to do that?

17 A I did not.

18 Q So you basically stayed in your car --

19 A Yes.

20 Q -- and watched the situation?

21 A I got to the scene, I remember Mr. Northrup  
22 was in handcuffs at the time, I believe Sergeant Ray  
23 was already there, in fact, if Dave's car was first,  
24 and I don't know that it was, but there were two  
25 cars, I roll up third, Mr. Northrup's already in

1 custody.

2 Q Was he in the back seat yet?

3 A I don't believe that he was. Sergeant Ray  
4 and Dave, Officer Bright are outside talking and I  
5 thought, well, I'll see if I can find this caller.  
6 So I put the car in reserve, turned around, looked on  
7 my CAD for the phone number and tried to contact that  
8 homeowner, basically did contact the homeowner.

9 Q So by the time you're already at the scene  
10 and Mr. Northrup's in handcuffs?

11 A Um-hum.

12 Q Then you call the guy that called 911?

13 A That's what I recall, yes.

14 Q So basically you're looking for the  
15 information and facts after he's already been placed  
16 in handcuffs --

17 A Right.

18 Q -- just to see what happened?

19 A I guess what I'm looking for is if I can  
20 provide Dave any detail to flush out whatever  
21 prior --

22 Q Generated the call?

23 A Um-hum.

24 Q The 911?

25 A Um-hum.

1 Q And if you would have thought, did you give  
2 those facts to Mr. Bright at any point?

3 A No, actually I didn't. Dave came back in  
4 service, said he had one, they were transporting one  
5 so I assumed that whatever his understanding of the  
6 facts and circumstances was, that he was comfortable  
7 enough to not need my assistance.

8 A Okay. So you basically took the  
9 information from the caller but you never relayed it  
10 to Officer Bright; is that correct?

11 A Correct.

12 Q Okay. Now at any time after this incident  
13 did you relate it to him?

14 A I think we talked about it afterward, yes.

15 Q After I sued him?

16 A I think it was prior to that.

17 Q After I challenged him in court?

18 A It might have been about that time  
19 actually.

20 Q All right. So did he tell you it was  
21 dismissed in court?

22 A I wasn't aware of the circumstances --

23 Q Okay.

24 A -- or the disposition.

25 Q Do you know what he was charged with?

1           A     I think it was failure to disclose personal  
2     information.

3           Q     All right. And how do you know that?

4           A     I think we talked about it from the court  
5     date.

6           Q     And what is your understanding of a failure  
7     to disclose personal information?

8           A     I guess maybe a basic reading of it is if I  
9     think somebody's about to commit a crime or involved  
10    in criminal activity that I can go up and request  
11    their personal information and if they fail to  
12    provide me with that personal information, then I can  
13    time them in custody.

14          Q     But if they provide it to you, then you  
15    really can't? You wouldn't take them into custody,  
16    you would ticket them, wouldn't you?

17          A     With that basic scenario, you know, I would  
18    need to know what --

19          Q     Who they are?

20          A     No. I would need to know what crime, you  
21    know, are they walking out of the back of a house?

22          Q     Yeah.

23          A     Yeah. I would take them into custody. Are  
24    they standing on a street corner drinking a 40-ounce,  
25    that might be different.

1 Q I've got you. So it would depend on the  
2 facts and circumstances as you observed them?

3 A Yes.

4 Q So if I understand your testimony, I just  
5 want to make sure I've got this right, you don't have  
6 any written documentation within the police records  
7 of what occurred that day other than your memory?

8 A That's correct.

9 Q Okay.

10 A With I guess the one caveat I would add is  
11 after driving there the little bell in my head went  
12 off with a guy walking down the middle of the street  
13 with a gun.

14 Q Yeah.

15 A And I don't know if they said it was in a  
16 holster or not, but I seem to remember thinking I  
17 wonder if this is one of those instances.

18 Q Okay. Now that's a thought you had?

19 A Um-hum.

20 Q And you're referring to a previous instance  
21 or are you referring to the thing that was on the  
22 board?

23 A Well, it wasn't on a board, but yeah. I  
24 think it was on the board.

25 Q It's like a notices and bulletin?



1           A     Yes and no. For us it's more of a  
2     clipboard and they just as ones come along they just  
3     stack them on top and if you want to take the  
4     initiative to read through it, some stuff depending  
5     on the type of N. and B. it is you have to initial  
6     saying yes I did read this, but a lot of stuff is  
7     just hey F.Y.I.

8           Q     So prior to this incident you knew people  
9     might be walking around with open carry and you ought  
10    to be aware of it?

11          A     Yes.

12          Q     So you had that notice somewhere and you  
13    were aware of it?

14          A     Yes.

15          Q     And so when -- and I think what you said  
16    was as you were sitting there or observing, you were  
17    wondering if it was one those situations where you  
18    ought to just --

19          A     I think it was prior, prior to me getting  
20    there.

21          Q     So you were thinking about that --

22          A     Sure.

23          Q     -- on your way over there?

24          A     I mean like I mentioned, we just don't,  
25    generally don't have instances where we run across

1 people that take advantage of open carry.

2 Q Now I don't know if I asked you this. Have  
3 you ever been disciplined?

4 A Yes.

5 Q And what was the circumstances of that?

6 A The first time I tased somebody who was at  
7 the wheel of a motor vehicle, behind the wheel of a  
8 motor vehicle. Well, for what it's worth I was  
9 directed to do it. I felt comfortable about it at  
10 the time in that we had the vehicle immobilized but  
11 if you're behind the wheel you can't tase somebody.

12 Q That's a rule like that?

13 A Yeah. And it makes perfect sense. I can't  
14 argue the specifics here but that car wasn't going  
15 anywhere.

16 Q Right. I got you.

17 A Another time I engaged in some horseplay  
18 over the air on the radio and was disciplined for  
19 that as well.

20 Q What do they do in that case? Just put  
21 like don't do that again and put a little mark in  
22 your thing or do they give you a couple days off or  
23 how do they do discipline?

24 A For both those instances it's what's called  
25 a counseling which is essentially a retraining, don't

1 do this, don't do that.

2 Q It's not part of their procedure and --

3 A Right. Those instances are, I guess in the  
4 big picture are relatively minor and from their  
5 perspective and mine it's simply a training issue.

6 Q Are there any other instances?

7 A Of discipline? Not to my knowledge, not  
8 that pops out at me.

9 Q All right. Now is there a difference  
10 between discipline and reprimands and --

11 A It's --

12 Q How does it work?

13 A Counseling, counseling is your first step  
14 of discipline, and I've been through the process so  
15 I'm familiar. It's counseling and then I believe  
16 it's an oral reprimand, then a written reprimand and  
17 once you pass those two steps, then they're looking  
18 at a days off type of situation. To the best of my  
19 knowledge, and again I just haven't been through the  
20 process enough to --

21 Q Have you been counseled?

22 A Yes. Counseling is the first step and  
23 that's the don't tase people behind the wheel of a  
24 motor vehicle, don't engage in horseplay on the  
25 radio.

1 Q So those were counseling sessions?

2 A Yes.

3 Q Have you ever gotten orally reprimanded?

4 A No.

5 Q So you've never got above the counseling  
6 part?

7 A No.

8 Q And are those the only two instances you  
9 can recall?

10 A To the best of my knowledge, yeah. I want  
11 to say there's a third counseling in there but I  
12 can't recall for the life of me what it is. I mean  
13 for what it's worth, counseling is --

14 Q A slap on the hand?

15 A I wouldn't even say it's a slap on the  
16 hand. It's, hey, don't do that.

17 Q Okay. Now have you ever received any  
18 complaints by people?

19 A Yeah, sure.

20 Q Many?

21 A No. I would qualify that though and say if  
22 you're -- if you are a hard worker you're going to  
23 come across enough people on a regular basis that --

24 Q That will complain?

25 A -- they just don't like your level of



1 service that you provide them and they're unhappy  
2 with it. So I received complaints but nothing that's  
3 ever been substantiated for what it's worth or where  
4 somebody's gone to internal affairs.

5 Q That's what I'm asking. I was going to ask  
6 that next.

7 A Right.

8 Q So you received some complaints. Did any  
9 of them ever go to internal affairs or result in any  
10 kind of reprimand?

11 A Well, a lot of complaints do go to internal  
12 affairs but --

13 Q They investigate?

14 A -- resulting in discipline, the radio issue  
15 was an internal affairs complaint.

16 Q Okay. And that resulted in retraining for  
17 a little bit or something?

18 A Yeah. Essentially it's -- they essentially  
19 say don't do this again. I mean it was a pretty  
20 simple retraining. Don't do this and then they keep  
21 a copy of that record, depending on the type of  
22 discipline it is, that discipline I think they keep a  
23 copy of it for six months in your file.

24 Q Now when you were at the scene with Mr.  
25 Northrup --



1 A Um-hum.

2 Q -- if I recall you said you didn't get out  
3 of your car?

4 A No.

5 Q So at the time did you know what they  
6 charged him with?

7 A I did not.

8 Q So that came later?

9 A My knowledge of the charges? Yes.

10 Q That came later. Okay. And does the  
11 police department have a policy if you view another  
12 officer acting improperly you're required to report  
13 it?

14 A Yes.

15 Q Have you ever been in a situation where you  
16 had to do that?

17 A I have not.

18 Q If you saw a police officer making up a  
19 charge against somebody, would that be an incident  
20 you would report?

21 A I would think so.

22 Q I mean you would do that?

23 A Yeah.

24 Q Now can you tell me, what is your  
25 understanding when it's permissible to approach and

1 question somebody just sitting in their automobile  
2 not doing anything?

3 A If --

4 Q They're sitting in a parking lot in their  
5 car not doing anything.

6 A And I have nothing that leads me to believe  
7 that there's something --

8 Q No. You're just driving by and you see  
9 them sitting there?

10 A I'm driving by and I see somebody sitting  
11 there I'd probably keep driving by.

12 Q Now what would be something that would  
13 allow you to go and approach them to talk to them?

14 A Let's say that parking lot that that car is  
15 parked in has had a rash of break ins.

16 Q Now if you saw -- if you were in a  
17 restaurant, same thing, what facts would lead you to  
18 have to go talk to somebody or go talk to somebody in  
19 a restaurant?

20 A In a restaurant?

21 Q Any public place, I don't care. I mean I  
22 picked a restaurant, just popped in my head.

23 A Well, we'll stick with a restaurant.  
24 They're drunk and out of control, they're loud,  
25 they're belligerent, they're trying to start fights.

1 Q So you're looking for facts that would lead  
2 to what? Some reason to talk to them?

3 A Yeah.

4 Q Okay. Now what's your understanding of  
5 what probable cause means?

6 A That a reasonable person believes that  
7 something that -- a group of reasonable people, let's  
8 say, a reasonable person believes that a crime has  
9 been or is about to be committed.

10 Q And in your training do they talk about  
11 what facts and circumstances lead to that and what  
12 doesn't?

13 A They do talk about facts and circumstances,  
14 but I think what they kind of try to impress upon you  
15 is that there is a standard that you have to meet but  
16 everybody's standard is sometimes different depending  
17 on your training, your experience, the facts as you  
18 know.

19 I pull up and I see Mr. Northrup in  
20 handcuffs, you know, Dave pulls up before I got there,  
21 we've obviously seen two totally separate so --

22 Q Right. That's what I'm trying to find out.  
23 You understand as part of your training and  
24 experience that police officers appearing at the  
25 scene at different times can have different beliefs?

1           A     Yeah. I would actually even say that  
2     police officer viewing the exact same incident can  
3     come up with two different, I guess, standards of  
4     what should happen, you know, from point A. to point  
5     B.

6           Q     Do you know what the purpose of Officer Ray  
7     was there?

8           A     I believe that he either showed up because  
9     of the -- it was a gun call, a call involving a gun  
10    because he either just showed up to be of assistance,  
11    which happens on a regular basis, or Dave requested  
12    him there. I'm not sure which.

13          Q     When you have a gun call do you have to  
14    have a supervisor?

15          A     No.

16          Q     Okay. Do supervisors normally appear at  
17    gun calls?

18          A     Depending on your supervisor. Some  
19    supervisors are going to show up on every call you're  
20    at no matter what because they want a supervisor.  
21    Other supervisors aren't going to show up unless you  
22    specifically request them to be there. Some  
23    supervisors, depending on manpower or things like  
24    that, will go to calls.

25          Q     Well, you can see that from Plaintiff's

1 Exhibit One that Daniel Ray was a supervisor, right?

2 A Um-hum.

3 Q You said because he's a zero, he's a  
4 supervisor?

5 A Yes.

6 Q That's how you know that?

7 A Yes.

8 Q Now he was dispatched within minutes of you  
9 guys --

10 A Okay.

11 Q -- so they were all dispatched, somebody  
12 dispatched the supervisor or he acknowledged he was  
13 going there. Can you tell from that which it is?

14 A Looks like Dave and I were dispatched it  
15 looks like at 5:13:32 and then Danny, Sergeant Ray  
16 was dispatched at 5:14 so --

17 Q About a minute later?

18 A Yeah.

19 Q Now would that be like ASSTER means that  
20 he's being dispatched to that or he's saying he'll  
21 assist? I was asking about you because you've got  
22 the same thing.

23 A You dispatch -- Dave is dispatched to the  
24 call, Dave's the primary, Dave's the primary unit  
25 that's going to the call. Myself and Sergeant Ray



1 were dispatched to assist Dave on that call.

2 Q So where it says DISPER, that's Dave being  
3 assigned to that call, he ought to go there?

4 A That's my understanding of it.

5 Q And you two were being assigned to help --

6 A Yes.

7 Q -- follow-up or whatever?

8 A Yes.

9 Q And then the next thing it says, it looks  
10 like ONSCNE is an abbreviation of 821, so that's  
11 when --

12 A That's when Dave arrived on scene.

13 Q And he's putting himself out there?

14 A Yes.

15 Q Is that what that would be, he's telling  
16 him them I'm here?

17 A Yes.

18 Q And then do you know what ATLOC means?

19 A At location.

20 Q Okay. So that's -- which would be the put  
21 out, the at location because that would be --

22 A Okay. So the original call was a guy  
23 walking down Rochelle carrying a handgun out in the  
24 open. So Dave gets somewhere in the  
25 neighborhood of -- okay. I'm going to go up a little

1 bit. 21 Rochelle Drive.

2 Q Right.

3 A So Dave's somewhere in the neighborhood of  
4 21 Rochelle Drive when he puts himself on scene.

5 Q Okay.

6 A And then at location he changes his, he  
7 changes from 21 Rochelle to 600 block of Hayes.

8 Q I got you. That's what -- I was going ask  
9 you that. Do you know what that means?

10 A Yep.

11 Q So we are on Hayes Road now?

12 A Yes.

13 Q So we're really not on Rochelle anymore?

14 A Yes. So then you go down to the next one,  
15 the air is closed because he's been dispatched to a  
16 gun call. When you're dispatched to a gun call they  
17 close the air which means they stop radio traffic.

18 Q So if he's in an emergency people can  
19 respond?

20 A Yes.

21 Q I got you. So everybody's listening?

22 A Yes.

23 Q Okay. And then what is 6:23 is when you  
24 got there? So the next one it says 17:22:28, you're  
25 at 600 Hayes?

1 A Yes.

2 Q So that's you?

3 A Yes.

4 Q And then it looks like you arrived before  
5 Officer Ray because -- by seven seconds it looks  
6 like?

7 A That's how the dispatch log reads, but what  
8 I can tell you is a lot of times you'll arrive on  
9 scene and not immediately say hey I'm here.

10 Q I'm here, okay. So you were both on scene  
11 relatively close?

12 A (Indicating.)

13 Q Okay. And then when he at 17:24 says open  
14 the air, what does that mean?

15 A That means that -- open the air means  
16 you're opening the air to radio traffic again.

17 Q That you've got it under control?

18 A That whatever the -- dispatch will close  
19 the air no matter what on any kind of a gun call and  
20 then they leave it up it up to the officer, officers  
21 on scene to open the air when they feel that I guess  
22 their safety is ensured.

23 Q So did you see Officer Bright disarm Mr.  
24 Northrup?

25 A I did not.

1 Q So before you arrived he was already  
2 disarmed?

3 A Yes. Well, I don't know that. He was in  
4 handcuffs when I arrived on scene.

5 Q Well, do you normally handcuff somebody  
6 with a firearm on their hip?

7 A That depends on how you want to, I guess,  
8 handle the situation. I guess it depends on the  
9 situation. If I'm -- it depends on the situation.

10 Q How would you approach somebody, you know,  
11 walking down the street with a firearm on his hip and  
12 you were dispatched to it?

13 A Again it depends on the situation but just  
14 if I was dispatched to somebody with a firearm on  
15 their hip, I don't think that I would disarm them  
16 necessarily. I don't know that I would put them in  
17 handcuffs either, but if I got dispatched to somebody  
18 walking down the street with a firearm on their hip  
19 and I drove up and they had blood all over them, I  
20 think I would.

21 Q Do something?

22 A Yeah.

23 Q So again it depends on what you observe --

24 A Yep.

25 Q -- and the circumstances and the facts?

1 A Um-hum.

2 Q I got you. Now can you tell me what desk  
3 means?

4 A That means that -- where's desk. It means  
5 that --

6 Q It says CHGLOC?

7 A Yeah. Officer Bright, who was 821, he's  
8 going to the desk, he's going to do -- the desk is  
9 paperwork.

10 Q So he's going to the cruiser to write down  
11 something?

12 A Generally you're going to go to the Safety  
13 Building or at that -- the Safety Building or the  
14 Scott Park district station and do paperwork.

15 Q Oh, I see. So the call's over at that  
16 point and he's just going back to the office to fill  
17 out his paperwork?

18 A I guess his on-scene involvement is over at  
19 that point. You're technically still on your call  
20 till you come back in service but --

21 Q All right. Do you know what it means where  
22 it says, you know, 823 06/16/10 message from 823C  
23 I'll take and IDA?

24 A Yes. IDA means you're taking yourself off  
25 a call. Actually IDA means -- I'm sorry. IDA



1 doesn't mean you're taking yourself off a call. IDA  
2 means that you canceled yourself without any  
3 involvement in the call which is --

4 Q So you didn't have any involvement, you're  
5 just saying I'm off?

6 A With the exception of the phone call to the  
7 homeowner that I didn't think was going to be of any  
8 assistance, I just took myself off the call.

9 Q Right. And then when you say clear, that  
10 means you're available again?

11 A Yes.

12 Q What's D/I?

13 A D. is David or IDA, same thing.

14 Q Okay. Now --

15 A I should -- I don't know what D. means  
16 because as I went down -- I think it means, I think  
17 it means that I took myself off the call and I came  
18 back in service because if you look down below  
19 there's a 201 and an 806 E., my understanding of E.  
20 is you offered assistance, you rendered assistance on  
21 the call so I assume because Danny Ray was 806,  
22 that's why he puts himself in D.

23 Q Well, it says clerks too next to the 821C,  
24 do you know what that means?

25 A Yeah, that means Dave went to the clerk to

1 file his affidavits.

2 Q And where do you do that?

3 A Depends on the time you're working but in  
4 the afternoon you probably take your affidavits to  
5 the Muni Court building and file them there. If it's  
6 after hours, Muni Court supplies us with a clerk that  
7 has an office in the Safety Building itself.

8 Q And the purpose of filing the affidavit  
9 with the clerk is to?

10 A Essentially to formally charge somebody.  
11 I'm going to charge Mr. Northrup with failure to  
12 disclose personal information.

13 Q So that's what he's doing?

14 A Yeah.

15 Q He's filling the --

16 A The affidavit, yes.

17 Q When you say affidavit, is that like the  
18 ticket?

19 A A traffic ticket is a little bit different  
20 but --

21 Q Citation would be better?

22 A Affidavit.

23 Q It's an affidavit?

24 A It depends on what you're -- I don't think  
25 he gave him a traffic ticket. He could have given an

1 all-purpose citation, but an all-purpose citation  
2 you're generally going give somebody a summons and a  
3 court date so my understanding is he'd swear out an  
4 affidavit which is a little bit more of a longer form  
5 document.

6 MR. ELLIS: Mark this as  
7 Exhibit Two.

8 (WHEREUPON Plaintiff's Deposition  
9 Exhibit Two-Combs marked for  
10 identification.)

11 BY MR. ELLIS:

12 Q I'm going to hand you Plaintiff's Exhibit  
13 Two, and if you would just look at the last page, if  
14 you can tell me if that's what you're talking about?

15 A It an all-purpose citation.

16 Q That's what that is?

17 A Yep.

18 Q So that's what you're talking about, that's  
19 what he's doing there with the clerk at that point?

20 A Yes.

21 Q And that's the first piece of the paperwork  
22 you give?

23 A Yes. Well, no. Actually it is. I believe  
24 it is. I haven't seen an A.P.C. book in a couple  
25 years but there's usually three or four copies,

1 there's a records section copy, a --

2 Q I see it says record section copy on the  
3 top there.

4 A Copy for defendant, or a copy for the  
5 officer and I think a copy for the clerk as well.

6 Q So this went into your record section, your  
7 police record section?

8 A Yep.

9 Q So this is not the one he filed, but it's  
10 one that -- it would be like this?

11 A Yes, that's correct. In fact I think the  
12 Court copy is probably the top copy because it's the  
13 most legible.

14 Q So it's like a carbon copy?

15 A Um-hum.

16 Q And it serves as a subpoena for the person  
17 to show up in court?

18 A Yes.

19 Q And I see there's a summons down there with  
20 a date that Shawn appears to have signed?

21 A Yes.

22 Q And then the rest is like the crime report.  
23 Is that something you'd fill out if you were the  
24 primary officer?

25 A Yes.

1 Q And you didn't have to do that? You didn't  
2 give any input on that, right?

3 A I did not.

4 Q Did you look at this?

5 A I have not.

6 A All right. I won't have you do it now  
7 then. Have you looked at your phone records for that  
8 day and produced them to the prosecutor?

9 A I have not.

10 Q Has he asked you for them?

11 A Not to my knowledge.

12 Q Okay. Would you do that for me?

13 A Certainly.

14 Q For that day?

15 MR. ELLIS: John, would  
16 you get that from him?

17 OFFICER COMES: The one issue  
18 is going to I got married and I  
19 switched over to my wife's carrier is  
20 Verizon. I'll have to get it through  
21 Sprint. I don't know how simple or  
22 difficult that process is going to be.

23 BY MR. ELLIS:

24 Q I would just like the record for that day  
25 in that timeframe. I don't need the whole thing, I



1 just need that if that would be okay?

2 A Certainly.

3 Q Okay. And that is the phone you used to  
4 call the person up here on the screen with the  
5 number?

6 A Um-hum.

7 Q Okay. The date was 6/16/10, if it helps  
8 you, it says 1730 on the police report if that helps  
9 you. So I would say if you look at that Exhibit A.  
10 there it tells you the time in which it started?

11 A Okay. Oh, Exhibit One?

12 Q Yeah, Exhibit One. It starts at 17:10 and  
13 it goes to 21, 21:48 I guess. Well, whenever you  
14 left.

15 A Okay.

16 Q You can look at it, I can talk to John  
17 about what it is. And on that particular day you  
18 were traveling alone?

19 A Yes.

20 Q Besides your radio in the automobile, your  
21 cruiser, do you ever call dispatch on your phone?

22 A Um-hum.

23 Q And why do you do that? You have to answer  
24 yes or no so she can get it.

25 A I'm sorry. We call dispatch --

1           Q     Would it be yes first, you do call  
2     dispatch?

3           A     I do call dispatch, yes.

4           Q     Thank you.

5           A     We call dispatch I guess for any number of  
6     reasons, to put yourself -- to log yourself into the  
7     dispatch system, you can also do that over your radio  
8     but sometimes if you're trying to get -- I guess  
9     because of the limitations of the computer screen if  
10    you're trying to get more details from dispatch, a  
11    lot of times the dialogue box they type in only has  
12    so much space in it, so especially on a lengthy call  
13    sometimes you might try to call dispatch if you feel  
14    the need to access that information.

15          Q     Okay. And do you use your personal phone  
16    for any other reason other than dispatch or maybe  
17    call witnesses? I'm talking in the line of a  
18    patrolman's duty.

19          A     I use it to call -- no. I use it, I use it  
20    quite a bit. I use it to call friends that I work  
21    with, I use it to call supervisors, I use it to call  
22    our investigations bureau to get their opinions on  
23    how to handle something.

24          Q     When you call the investigative bureau, who  
25    do you call there?

1           A     We start out with the desk. It's common  
2     term is 212 which is our crimes against person's  
3     bureau. You start off with the -- I don't know if  
4     clerical worker is the right term, but you start off  
5     with the girl at the desk, and then she'll route you  
6     to one of the sergeants depending on who's working  
7     and then --

8           Q     Do you call them to help you formulate the  
9     charges, is that what you're doing?

10          A     You generally call them if you're I guess  
11     unsure of, you know, is this a crime, is it not a  
12     crime, you know, that type of stuff.

13          Q     And they help you?

14          A     They'll offer their, I guess, advice. I  
15     don't know if help is the right word.

16          Q     They'll give you advice on where you might  
17     be able to cite them or something like that?

18          A     Yes.

19          Q     Where to look?

20          A     Or bring that person down, don't bring them  
21     do, you know, whatever.

22          Q     Now do you carry a three-ring binder in  
23     your car?

24          A     Currently -- at the time I did.

25          Q     What did you have in the three-ring binder?

1           A     Map book, I had the department manual,  
2     updates, things like that, T.N.C., O.R.C., D.U.I.

3           Q     You had the Toledo Municipal Code?

4           A     Um-hum.

5           Q     And then you had the Ohio Revised Code?

6           A     Um-hum.

7           Q     The whole thing in there?

8           A     Not the Ohio -- actually the Ohio Revised  
9     Code I think I had a supplement, but actually on my  
10    Smart Phone I had an app that took you right to the  
11    Ohio Revised Code.

12          Q     So I could look up different sections?

13          A     Right.

14          Q     So you use your Smart Phone to look up the  
15    Ohio Revised Code, too?

16          A     Yes.

17          Q     And you're talking about at the time you  
18    had the binder, you don't do it anymore because you  
19    have an app?

20          A     No. Nowadays I have a desk that I keep all  
21    my stuff at.

22          Q     But that would be like officers would carry  
23    that to help them. Is that assigned by the Toledo  
24    Police Department or is that something they make up?

25          A     Meaning the binder?

1 Q Um-hum.

2 A Guys will carry -- it differs from officer  
3 to officer. Some guys carry volumes of material and  
4 other guys carry the absolute basics, a citation pad,  
5 an A.P.C. pad, a couple crime reports and we -- some  
6 guys don't need it and other guys do. I don't know  
7 if that answers your question or not.

8 Q Well, what you're really saying is some  
9 people have to look it up and some people don't?

10 A Yes.

11 Q That's what you're saying, right?

12 A Yeah. Or the guys that don't look it up  
13 are comfortable asking somebody their opinion and,  
14 you know, leaning on them for advice.

15 Q Well, your supervisor would help you on the  
16 scene too, wouldn't he?

17 A Um-hum.

18 THE REPORTER: Yes?

19 OFFICER COMES: Yes. I

20 apologize.

21 BY MR. ELLIS:

22 Q I try to catch that but I forget. So I  
23 just want to, I'm just going to clear myself and I  
24 think I'm going to end your deposition. You didn't  
25 really get out of your car?



1 A Um-hum.

2 Q And you didn't give him any input?

3 A No.

4 Q And you didn't tell him what to charge him  
5 with?

6 A No.

7 Q Okay.

8 MR. ELLIS: I am going to  
9 end the deposition with the  
10 reservation, depending on the phone  
11 records, whether I want to ask him some  
12 more questions.

13 MR. MADIGAN: Okay. Can I  
14 ask him a question?

15 MR. ELLIS: Sure  
16 absolutely.

17 \* \* \*

18 DIRECT EXAMINATION

19 BY MR. MADIGAN:

20 Q Officer Comes, referring to Plaintiff's  
21 Exhibit Number One --

22 A Um-hum.

23 Q -- that first notation there which takes  
24 place at 17:11:40 --

25 A Um-hum.

1 Q -- it says here well W.M., what does that  
2 mean?

3 A I guess it's M. C. is mail caller  
4 anonymous, white mail walking his dog on Rochelle  
5 carrying a handgun out in the open.

6 Q Does that notation tell you whether the gun  
7 was in a holster or in his hand or how he was  
8 carrying it?

9 A It does not. It just says it's out.

10 MR. MADIGAN: That's all I  
11 have.

12 \* \* \*

13 RECROSS-EXAMINATION

14 BY MR. ELLIS:

15 Q Would the dispatcher normally put whether  
16 it's in a holster or not?

17 A Depends on what kind of information the  
18 original caller gives them.

19 Q If the original caller said to them a guy's  
20 walking down the street with his pistol in a holster,  
21 would you expect them to put that in there?

22 A I guess I would answer that this way.  
23 You're going to get, you're going to get different  
24 texts depending on dispatchers. Some dispatchers are  
25 going to put every single word in there, some

1     dispatchers, and oftentimes because of the amount of  
2     material they're trying to process, they're going to  
3     try to whittle it down to something more palatable.

4           Q     But as you approach the scene you observe  
5     and try to figure it out yourself then?

6           A     Yeah.

7           Q     Okay?

8                   MR. ELLIS:           I don't have  
9                   any more questions but I still would  
10                  reserve the right to recall.

11                  MR. MADIGAN:        Okay. Did you  
12                  want to read over the deposition,  
13                  Officer Comes?

14                  OFFICER COMES:       No.

15                  MR. MADIGAN:        We'll waive  
16                  that.

17                  MR. ELLIS:           Thank you,  
18                  Officer. It's 3:00, I'm saying it's  
19                  3:00 in the afternoon. Officer Bright  
20                  was supposedly to be here at 1:30 for  
21                  his deposition. Now it's 3:00, he's  
22                  still not here. We haven't had word  
23                  from him.

24                  John has attempted to contact him,  
25                  Madigan, and so we're going to suspend

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the depositions because he's not here.

(WHEREUPON the deposition  
concluded at 3:06 p.m.)

(Signature Waived.)  
DONALD T. COMES

\* \* \* \* \*

1 STATE OF OHIO :

2 COUNTY OF LUCAS : C-E-R-T-I-F-I-C-A-T-E

3 I, ELLEN L. LANGEL, Notary Public in and  
4 for the State of Ohio, duly commissioned qualified,  
5 do hereby certify that the within named DONALD T.  
6 COMES, was by me first duly sworn to testify to the  
7 truth, the whole truth and nothing but the truth in  
8 the cause aforesaid; that the testimony then given  
9 by him was by me reduced to stenotype in the  
10 presence of said witness, afterwards transcribed  
11 upon a computer, that the foregoing is a true and  
12 correct transcript of the testimony so given by him  
13 as aforesaid; and that this deposition was completed  
14 without adjournment.

15 I do further certify that the signature of  
16 the said witness to the transcript of his deposition  
17 was waived by the witness and counsel for the  
18 respective parties.

19 I do further certify that I am not a  
20 relative, employee or counsel of any of the parties  
21 hereto, and further that I am not a relative or  
22 employee of any attorney or counsel employed by the  
23 parties hereto, or financially interested in the  
24 action.

25 IN WITNESS WHEREOF, I have hereunto set my  
SUPERIOR COURT REPORTING (419) 241-7417



1 hand and affixed my seal of office at Toledo, Ohio,  
2 on this 6th day of January, 2014

3 

4 ELLEN L. LANGEL  
5 Notary Public in and for the  
6 STATE OF OHIO

7 My Commission Expires: February 9, 2017

8 \* \* \* \* \*



## Incident History for: TOP10130812

Received:	17:10:21				
Entered:	6/16/2010 17:11:40	By: TPC6 / 8360	Entry Time:	0.00:1.00:19.00	
Dispatched:	6/16/2010 17:13:32	By: TPD3 / 8429	Wait Time:	00:01:52	
Route:	6/16/2010 17:13:32		Dispatched Time:	00:00:00	
Onscene:	6/16/2010 17:19:20		Enroute Time:	00:05:48	
Closed:	6/16/2010 21:21:48		Onscene Time:	04:02:28	

Type: WEAPONS (WEAPON VIO./MAN W/GUN/KNIFE)

Premise: NN

Severity: 2 Priority: 2 DPR: DSPO: C Alarm Level: Tract: 8600

Group: TOP8 Beat: B820 Police Area: 636 Fire Area: 1414 EMS Area: N-5

LOC: 21 ROCHELLE RD ,TO

Name: WISE DEBORAH

Addr: 21 ROCHELLE RD ,TO Phone: 7427934

6/16/2010 17:11:40	8360	ENTRY		M/C ANON .. W/M WALKING HIS DOG ON ROCHELLE CARRYING A HAND GUN OUT IN THE OPEN
6/16/2010 17:13:22	8429	HOLD		
6/16/2010 17:13:32	8429	DISPER	821C	#Q2346 BRIGHT,DAVID R.
6/16/2010 17:13:32	8429	ASSTER	823C	#Q2360 COMES,DONALD
6/16/2010 17:14:07	8429	ASSTER	806	#Q1814 RAY,DANIEL A.
6/16/2010 17:16:01	8429	MISC	821C	, 6'4 LONG PONYTAIL TAN PANTS WHT SHIRT WALKING ON BAPST TWDS HOLLAND SYLVANIA
6/16/2010 17:19:20	8429	ONSCNE	821C	
6/16/2010 17:22:05	8429	ATLOC	821C	[600 HAYES]
6/16/2010 17:22:09	8429	MISC	821C	, AIR CLOSED
6/16/2010 17:22:28	8429	CHGLOC	823C	[600 HAYES]
6/16/2010 17:22:35	8429	CHGLOC	806	[600 HAYES]
6/16/2010 17:24:47	8429	MISC	821C	, OPEN THE AIR
6/16/2010 17:26:08	8429	ONSCNE	806	
6/16/2010 17:58:38	8517	CHGLOC	821C	[DESK]
6/16/2010 17:58:48	8517	MISC	823C	, 06/16/10 17:58:35 MESSAGE FROM: 823C I'LL TAKE AN IDA FROM THIS
6/16/2010 17:58:51	8517	CLEAR	823C	D/I
6/16/2010 18:10:21	8517	ONSCNE	821C	
6/16/2010 18:14:30	8517	ASSTOS	201	[600 HAYES] #Q2098 TROENDLE,MICHAEL
6/16/2010 18:14:34	8517	CHGLOC	201	[SCOTT PARK]
6/16/2010 18:21:29	8517	ONSCNE	.201	
6/16/2010 18:26:20	8517	CHGLOC	806	[SP]
6/16/2010 18:29:57	8517	ONSCNE	806	
6/16/2010 18:50:44	8517	CLEAR	201	D/E
6/16/2010 21:03:33	8429	CHGLOC	821C	[CLERKS]
6/16/2010 21:07:18	8429	CLEAR	806	D/E
6/16/2010 21:18:06	8517	ONSCNE	821C	
6/16/2010 21:21:48	8517	CLOSE	821C	06/16/10 D/C
6/16/2010 21:21:48	8517	CLEAR	821C	D/C







JUL 7 2010 2:46PM

CITY TOLEDO PROSECUTOR4192451009

No. 6264

P. 1350

**CRIME REPORT****POLICE DEPARTMENT****TOLEDO, OHIO Form 38.1(a) Rev. 3/97**

UCR Code

1. VICTIM Last, First, Middle (First Name if Business)  
State Of Ohio

2. Report No.

034128-10

3. Crime (List Additional in Narrative)

FAILURE TO DISCLOSE PERSONAL INFORMATION

4. Location of Occurrence

702 Hayes

5. R.A.

6. HATE/BIAS ☐

If Hate/Bias Give Type

7. Type of Premises or Business Where Offense Was Committed  
StreetJUVENILE ☐

8. Victim Injured

8. Date and Time Occurred

6-16-10 1730

10. Date and Time Reported

6-16-10 1730

GANG RELATED ☐

Treatment

BAR ☐11. Reporting Person's Name (Last, First, Middle)  
Listed Officer

12. Victim's Race

Sex

Age

D.O.B.

Social Security Number

OFFICER ASSAULTED ☐

13. Reporting Person's Residence Address

14. Res. Phone

15. Victim's Residence Address

City

Zip

16. Res. Phone

CRIME ANALYSIS ☐

17. Reporting Person's Business Address

18. Bus. Phone

19. Victim's Business Address

City

Zip

20. Bus. Phone

21. WITNESS

WITNESS NO. 1 NAME (Last, First, Middle)

Age

Residence Address

Zip Code

Res. Phone

Bus. Phone

WITNESS NO. 2 NAME (Last, First, Middle)

Age

Residence Address

Zip Code

Res. Phone

Bus. Phone

22. VEHICLE

Color

Year

Make

Model

Style

License No. (State, Year)

V.I.N.

Registered Owner's Name

Registered Owner's Address

HOLDER

TOWED BY:

23. SUSPECT

SUSPECT NO. 1 - NAME (Last, First, Middle)

Northrup, Shawn C.

24. Race

25. Sex

26. Age

27. D.O.B.

28. Hgt.

29. Weight

30. Hair

31. Eyes

W

M

41

8-21-68

6-2

240

BRO

BRO

32. Address (Apt. No.)

Zip Code

Phone

33. Date and Time of Arrest

6-16-10 1730

34. F.C.O./Summons Cr. Date

6-25-10 1300

35. Relation to Victim

37. Arrest

38. Arrest Number

on view

warrant/

attachment

T.P.O.

APC 40266

39. Clothing and Other Identifiers (Scars, Marks, Tattoos)

40. Weapon(s)

2. Records Use Only

034128-10

SUSPECT NO. 2 - NAME (Last, First, Middle)

24. Race

25. Sex

26. Age

27. D.O.B.

28. Hgt.

29. Wgt.

30. Hair

31. Eyes

32. Address (Apt.)

Zip Code

Phone

33. Date and Time of Arrest

34. F.C.O./Summons Cr. Date

35. Relation to Victim

38. Social Security #

37. Arrest

38. Arrest Number

on view

warrant/

attachment

T.P.O.

39. Clothing and Other Identifiers (Scars, Marks, Tattoos)

40. Weapon(s)

## 41. PREMISES TYPE

1. ☐ Single Family8. ☐ Hospital/Medical15. ☐ Parking Lot/Garage1. ☐ Door1. ☐ Front1. ☐ Open/Unlocked2. ☐ Apt/Duplex9. ☐ Office Bldg16. ☐ Park/Playground2. ☐ Window2. ☐ Rear2. ☐ Body/Force3. ☐ Hotel/Motel10. ☐ Manufacturer17. ☒ Highway/Street3. ☐ Garage Door3. ☐ Side3. ☐ Pry/Cutting4. ☐ School11. ☐ Shopping Mall18. ☐ Field/Woods4. ☐ Adjacent Premise4. ☐ Roof4. ☐ Break Glass5. ☐ Church12. ☐ Chain Store19. ☐ Other6. ☐ Wall5. ☐ Other5. ☐ Other Method6. ☐ Bar/Restaurant13. ☐ Small Business8. ☐ Upper Floor6. ☐ Unknown7. ☐ Bank14. ☐ Gas/convenience Store7. ☐ Other

## 46. PROPERTY

QTY.

S R D

PROPERTY DESCRIPTION

MODEL

SERIAL OR OAN#

VALUE

S ☐ R ☐ D ☐S ☐ R ☐ D ☐S ☐ R ☐ D ☐S ☐ R ☐ D ☐

48. WHO NOTIFIED AT SCENE: 805, 201, 212, 281

47. Report Made By:

Bright, D. #2348

Officer(s) Name(s) I.D. # Unit No./Section

821C/2-5

48. Officer Assigned to Case

49. Supervisor Approval

TOTAL

\$0.00

50. DISPOSITION: A ☐ Death of Offender B ☐ Prosecution Declined C ☐ Extradition Denied D ☐ Victim Refuses to Cooperate E ☐ Juvenile/No Custody F ☐ Cleared by Arrest - Adult  
G ☐ Cleared by Arrest - Juvenile H ☐ Warrant Issued I ☐ Investigation Pending J ☐ Inactive K ☐ Unfounded L ☐ Adjusted U ☐ Unknown

PLAINTIFF'S DEPOSITION  
EXHIBIT

2 comes  
8/21/13 E2

PENGAD 800-631-6989



Jul. 7. 2010 2:46PM

CITY TOLEDO PROSECUTOR4192451083

No. 6264 P. 11

3. Crime <b>FAILURE TO DISCLOSE PERSONAL INFORMATION</b>	1. Victim (Last, First, Middle) State Of Ohio	4. Location of Occurrence 702 Hayes	2. Report No. 034128-10
<b>51. EVIDENCE: (Where Found, By Whom, Disposition)</b>			
<b>52. NARRATIVE</b>	<b>DETAILS:</b> (Address the categories listed below, where applicable, in the order they appear)		
	(1) List additional victims/crimes (2) List additional witnesses (3) List additional suspects, descriptions, charges.		
	(4) If juvenile involved as victim or suspect, list parent's (last, first, middle), phone number, school attended, and whether notified.		
	(5) Indicate time and location where victims and witnesses may be contacted for later follow-up.		
	(6) Itemize additional property taken: give name, brand, model, serial no., caliber of guns, identifying marks and value of each item.		
	(7) List additional physical evidence, where found, by whom, disposition and identifying marks.		
	(8) Provide additional description on vehicle (unusual paint, body, marks or damage). Describe additional vehicles.		
	(9) If vehicle stolen, give Title number and value. Car unlocked, keys in ignition? List name of insurance and/or finance company.		
	(10) If offense was hate/bias oriented, explain circumstances.		
	(11) Reconstruct the incident - Include all necessary elements of the crime.		
<b>11</b>	<p>On the date and time listed, the pro called 911 for a white male walking his dog through the neighborhood with a gun on his hip in the open and wanted it checked out. The pro gave the description of a white male wearing a white t-shirt, tan shorts, with a brown pony tail. Upon arrival this officer spotted a male walking down Hayes that matched the description given. As this officer drove up, closer to the suspect, this officer did observe the listed suspect wearing a black semi-automatic handgun on his hip in the open, holstered. This officer proceeded to stop the suspect to conduct an investigation as to whether the suspect was legally carrying the weapon or violating the Weapons Under Disability Act. During the stop, this officer first asked the suspect to hand over the dog leash to his wife, which he did immediately. The suspect was then told to raise his hands away from his weapon, due to this officer not knowing the suspect along with not knowing what his intentions were with the weapon. The suspect refused to raise his hands away from the weapon, instead he grabbed his cell phone and started to fumble around with it near the weapon. This officer had to repeat his command to the suspect to hand over the cell phone to his wife and raise his hands several more times. Once the suspect raised his hands, the suspect was told to turn around away from this officer. Once again the suspect first refused to turn around and asked what this was all this about. The suspect was told he would be informed as to the nature of the stop once this officer had secured the suspect's weapon off his hip for the safety of the suspect and this officer's safety. The suspect finally turned around and the weapon was secured by this officer. After being told the nature of the stop, the suspect stated he was legally carrying his weapon and then was asked for his identification. The suspect refused to hand over his I.D. after being asked to see it several times. The suspect finally handed over his I.D. and refused to answer anymore questions. The suspect continued to show aggressive behavior and was still very confrontational toward this</p>		

52.	NARRATIVE	ITEM
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- (1) List additional victims/crimes
- (2) List additional witnesses
- (3) List additional suspects, descriptions, charges.
- (4) If juvenile involved as victim or suspect, list parent's (last, first, middle), phone number, school attended, and whether notified.
- (5) Indicate time and location where victims and witnesses may be contacted for later follow-up.
- (6) Itemize additional property taken: give name, brand, model, serial no., caliber of guns, identifying marks and value of each item.
- (7) List additional physical evidence, where found, by whom, disposition and identifying marks.
- (8) Provide additional description on vehicle (unusual paint, body, marks or damage). Describe additional vehicles.
- (9) If vehicle stolen, give Title number and value. Car unlocked, keys in ignition? List name of insurance and/or finance company.
- (10) If offense was hate/bias oriented, explain circumstances.
- (11) Reconstruct the incident - include all necessary elements of the crime.

To insert additional pages, select "Insert" on Menu Bar, then "File". Click on 'GO 38 | Page 2'.



Jul. 7. 2010 2:46PM CITY TOLEDO PROSECUTOR4192451083 No. 6264 P. 13

<b>3 APPROVED DISPOSITION</b> <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared - No Arrest <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Adjusted <input type="checkbox"/> Investigation Continues <input type="checkbox"/> Inactive Case		<b>TOLEDO POLICE DEPARTMENT SUPPLEMENTAL CRIME REPORT</b> TPD 38.3 <span style="float: right;">Rev. 4/95(a)</span>	
<b>4 Location of Occurrence</b> 702 Hayes		<b>1 VICTIM Person Reporting Offense</b> State Of Ohio	<b>2 Records Section No.</b> 034128-10
<b>5 Type of Premises or Name of Business Where Offense Was Committed</b> street		<b>6 Victim's Race, Sex, Age D.O.B.</b>	<b>7 Date &amp; Time of this Report</b> 6-16-10 2000
<b>8 Date &amp; Time Occurred</b> 6-16-10 1730	<b>9 Date &amp; Time Reported</b> 6-16-10 1730	<b>10 Address of Victim/Person Reporting</b> 	
<b>12 Form Used As:</b> CONTINUATION SHEET      SUPPLEMENTAL      FOLLOW-UP <input type="checkbox"/> FOR CURRENT REPORT <input checked="" type="checkbox"/> INFORMATION <input type="checkbox"/> INVESTIGATION		<b>R.R.E.</b> <input type="checkbox"/> DISPOSITION	<b>13 Further Police Action Req'd.</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
<b>14 Type of Report Continued:</b> <input checked="" type="checkbox"/> CRIME <input type="checkbox"/> JUVENILE <input type="checkbox"/> FOLLOW-UP		<b>15 Offense Reported as:</b> <input type="checkbox"/> TMC <input type="checkbox"/> ORC	
<b>16 Change to:</b> <input type="checkbox"/> TMC <input type="checkbox"/> ORC		<b>17 (To Be Completed By Officer Preparing Felony Package)</b>	
<b>IDENTIFICATION</b> <input type="checkbox"/> On View <input type="checkbox"/> One on One <input type="checkbox"/> Line Up <input type="checkbox"/> Photo	<b>STATEMENT</b> <input type="checkbox"/> None <input type="checkbox"/> Oral <input type="checkbox"/> Taped <input type="checkbox"/> Written <input type="checkbox"/> Waiver of Rights	<b>SEARCH</b> <input type="checkbox"/> Incident to Arrest <input type="checkbox"/> Waiver of Search <input type="checkbox"/> Search Warrant	<b>Arrest Date:</b> _____ <b>Criminal History:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Fingerprint Enclosed:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <b>Investigator(s):</b> _____ <b>Duty Hrs:</b> _____ <b>Phone:</b> _____

18

The original caller for this incident is Allen Rose 21 Rochelle Toledo Oh 43625 567-742-7934

<b>19 Officer Reporting - I.D. No.</b> david richard bright	<b>20 Typed by: Date/Time</b> drb 6-16-10 2000	<b>21 Supervisor's Approval</b>	<b>Date</b>	<b>Time</b>
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Jul. 7. 2010 2:46PM

CITY TOLEDO PROSECTOR 4192451083

No. 6264

P. 14

CASE NO. \_\_\_\_\_  
RID NO. \_\_\_\_\_ REC. NO. 034128-10☒ STATE OF OHIO ☒ CITY OF TOLEDOName Shawn NorthrupStreet 200City, State, Zip Toledo Ohio 43612

SEX	HEIGHT	WEIGHT	HAIR	EYES	RACE	DOB
M	6-1	240	300	Brown	W	

D.O.B. \_\_\_\_\_ S.S.N. \_\_\_\_\_

ALLAS 6-1-60 PHONE \_\_\_\_\_

PLACE OF EMPLOYMENT \_\_\_\_\_

DATE	MONTH	YEAR	TIME
10	JUNE	2010	1:30

DESCRIPTION OF OFFENSE Failure to Appear  
Personal Instruction

LOCATION OF VIOLATION \_\_\_\_\_

In Violation Of ☒ ORC ☐ TMC # 291.29 (B)(1)CIRCLE ONE \* MISD 1 2 3 4 M

IT IS IMPORTANT THAT THE VIOLATOR READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

- ☒ ☐ Summons in lieu of arrest without warrant and complaint on such summons. Rule 4(A)3 READ NOTICE #1
- ☐ ☒ Summons after arrest without warrant and complaint on such summons. Rule 4(F) Read Notice #1
- ☐  Minor misdemeanor citation; Rule 4.1 READ NOTICE #2

IF YOU FAIL TO APPEAR AT THE TIME AND PLACE STATED BELOW A WARRANT MAY BE ISSUED FOR YOUR ARREST

## SUMMONS

You are ordered to appear at 1:30 P.M. on the 25 day of June 2010, in the Toledo Municipal Court, 555 N. Erie St., Toledo, Ohio.

Shawn Northrup  
SIGNATURE OF DEFENDANT

This complaint with summons was served personally on the defendant on June 10 2010.

[Signature]  
SIGNATURE OF ISSUING OFFICER

Officer's Name (print) D. Smith I.D. No. 2346

RECORDS SECTION COPY

40266